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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,492	03/14/2001	Shigeho Ogawa	450100-03064	3619
20999	7590	04/11/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/808,492

Applicant(s)

OGAWA ET AL.

Examiner

Linh LD Son

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). *request for reconsideration*  
7. ☒ For purposes of appeal, the ~~proposed amendment(s)~~ *request for reconsideration* a) ☐ will not be entered, or b) ☒ will be entered ~~and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-17.

Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Examiner's argument attached.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments filed 03/07/06 have been fully considered but they are not persuasive.
2. As per remark on page 15, Applicant argues that Florin does not disclose the limitation: *"wherein the increased values of the identification information are written over the original values of the identification information in the storage means, and Wherein, if a maximum of identification information is achieved, new identification information is written over an oldest identification information or the new identification information is written over a user-selected replaceable identification information".* The cited Col 21, lines 1-15 below clearly discloses the claim limitation:

(57) Additionally, in the preferred embodiment of the present invention, it is contemplated that the user is able to view the pix display 381 by category by pressing the categories button 140 and selecting a particular category, such as favorites or movies. For example, the pix display 381 illustrated in FIG. 33 is comprised of only favorite programs, as the user had previously selected the favorites category. Had the user selected the "marked" sub-category, only marked programs would be displayed on the pix display 381, allowing users to easily add or delete programs in the pix display 381 by using the mark button 142. If no categories have been selected (which is equivalent to selecting the "all programs" category), then the pix display 381 displays the 12 programs nearest to the last selected program. Similarly, pressing the info button 136 would display the graphic overlay panel 190 shown in FIG. 7 for program information.

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3. By the broadest interpretation, Examiner interprets the limitation "*wherein the increased values of the identification information are written over the original values of the identification information in the storage means.*" as the add or delete capability underlined above where a user is able to mark a marked or selected program (the original values of the identification information), delete it, and then add a new program (the increased values of the identification information). The add function of a program to a previous selected number program does increase the values of the identification information or the number of the previous selected program.

Examiner interprets the limitation "*Wherein, if a maximum of identification information is achieved, new identification information is written over an oldest identification information or the new identification information is written over a user-selected replaceable identification information*" also as the add or delete capability, where a user is deleting a program and then add a new program. Examiner interprets "a maximum of identification information", since it is not defined, is the maximum of selection determined by the user. It is clearly that Florin discloses the limitation. Therefore, deCarmo in view of Florin is obviously disclosed claims 1, and 3-7.

4. As per remark on page 16-17, Applicant argues that the combination of Lewis and Florin does not teach the above-recited features of independent claim 8, because the Applicant relies on the Office Action concedes that "However, Lewis does not disclose "*wherein the increased value of said permission condition is written over the original value of the permission condition in storage, and wherein, if a maximum of the*

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*recording medium identification information is achieved, new recording medium identification information is written over an oldest recording medium identification information or the new recording medium identification information is written over a user-selected replaceable recording medium identification information".*

The limitation "*wherein the increased value of said permission condition is written over the original value of the permission condition in storage*" is actually disclosed by Lewis clearly in Col 5 lines 60-67. The permission condition is the parental control level and Lewis discloses clearly that the user is able to increase the parental control level value from low to a higher level.

5. In regard to the limitation "*wherein, if a maximum of the recording medium identification information is achieved, new recording medium identification information is written over an oldest recording medium identification information or the new recording medium identification information is written over a user-selected replaceable recording medium identification information*", Same interpretation as above is applied.

Lewis in view of Florin is clearly discloses claim 8.

Therefore, the rejection basis dated 01/12/06 is maintained.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

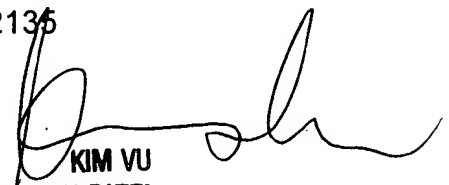
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Linh LD Son  
Examiner  
Art Unit 2135

  
KIM VU  
SUPERVISORY PATENT  
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